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| 10/825,251 | 04/14/2004 | Ian R. Ollmann | APLIP301/P3248 | 8088 |
| 63464 7590 04/17/2009 BEYER LAW GROUP LLP/APPLE INC. P.O. BOX 1687 CUPERTINO, CA 95015-1687 | | | | |
| EXAMINER | | | | |
| TAN, ALVIN H | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2173 | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/825,251

Applicant(s)

OLLMANN ET AL.

Examiner

ALVIN H. TAN

Art Unit

2173

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
b) ☐ They raise the issue of new matter (see NOTE below);
c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 3-38.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173

Continuation of 3. NOTE: Examiner notes that amendments to independent claim 1 to incorporate features of canceled claim 3, will not be entered into the application because such an amendment would raise new issues for the remaining dependent claims that depended on claim 1. Such amendments change the scope and thus, further search and/or consideration would be needed. Examiner's arguments made below are not in view of the submitted amended claims.

Continuation of 11, does NOT place the application in condition for allowance because: In additional support to the instant rejections, the Examiner respectfully notes that the prior art still teaches the claimed invention. Regarding independent claim 1, Applicant argues that Graham (U.S. Patent No. 7,228,492 B1) does not expressly teach a scroll bar with a plurality of locations of the scroll bar indicating the relative importance of locations of a file within the context of the claimed invention. Contrary to Applicant's arguments, Graham discloses that a graphical representation can be an annotated contour that shows the concepts of interest in a scrollable bar [column 4, lines 24-43; figure 1A]. The annotation contour comprises the page pointer. Both of these in combination constitute a scroll bar and thus, the scroll does contain locations indicating relative importance. Additionally, an annotation contour may be displayed along an elongated thumbnail image [column 7, lines 7-15]. As shown in [figure 5], a sliding window is positioned along the annotation contour and allows the user to scroll throughout the document [column 7, lines 11-15].

Independent claims 35-37 contain similar claim language and thus, Applicant's arguments are not persuasive for the same reasons.

Applicant alleges that Graham and Eick (U.S. Patent No. 5,644,692) do not explicitly teach horizontal segments indicating the relative importance of content, as was recited in claim 3. Contrary to Applicant's arguments, Graham discloses that the annotation contour in a scroll bar may be a bar chart [column 4, lines 27-32]. Thus, when the scroll bar is along an X-axis as shown in [figures 1A, 5, 7A], vertical lines would indicate the relative importance of content with the leftmost side representing the beginning of the document and the rightmost side representing the end of the document. As shown in [figure 5], the document, in essence, is laid out on its side with the annotation contour having vertical markings corresponding to locations of importance. Graham, however, only discloses the use of indicating points of interest in a document in a horizontal scroll bar. Eick discloses indicating points of interest [column 23, line 22 to column 24, line 14] in a vertical scroll bar [figure 15]. Using a vertical scroll bar represents a document as if were positioned vertically from top to bottom. Positioning a document in this way provides a more intuitive mapping of the points of interest when the document is naturally scrolled vertically. Since Graham discloses presenting a scroll bar with a graphical representation corresponding to sections of a document and navigating through a document vertically using vertical scroll bar 504 [Graham, figures 5; 7A-7D], it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the annotation contour with the scroll bar of Graham in a vertical setting, as taught by Eick. This would allow the user to more easily relate the position of the markers with the corresponding position of the document. Switching from a horizontal scroll bar to a vertical scroll bar merely requires a switching of x and y coordinates. Thus, the bars in the scrollable annotation contour would indicate relative importance in a horizontal direction.